

Appl. No. : **10/787,063**
Filed : **February 25, 2004**

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 1. In Figure 1, reference numerals 228 and 230, which are not described in the original specification but are shown on the drawings, have been removed.

Attachment: Replacement sheet

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REMARKS

Claims 1 through 20 stand rejected. Claims 1, 4, 10, 14, 18, 19, and 20 have been amended. New claims 21 and 22 have been added. Thus, Claims 1 through 22 are presented for reconsideration and further examination in view of the following amendments and remarks.

Discussion of Drawing Amendment

The drawings have been amended to remove identifiers 228 and 230 which were not recited in the specification and merely point to an air cleaner and the air cleaner's intake port. The drawing amendment does not introduce any new matter to the application. Applicant respectfully requests the entry of the amendment.

Claim rejections Under 35 U.S.C. § 112, 1st Paragraph

Claim 4 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement in connection with the phrase "chamfered inside surface." In response, Claim 4 has been amended to add the phrase "so as to provide a transition between an inner surface of the flange and an inside diameter of the head pipe" after the phrase "chamfered inside surface." Support for the added phrase is found in paragraph 33 and Figure 2A of Applicant's application. In view of the above, Applicant respectfully requests that the rejection of Claim 4 for failing to comply with the enablement requirement be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a) over Zitza et al. in view of Coff et al.

Independent Claims 1, 10, and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Zitza et al. (U.S. Patent No. 2,694,583) in view of Coff et al. (U.S. Patent No. 5,944,322). Applicant has amended Claims 1, 10, and 19.

Zitza is directed to a specific, multi-component arrangement for mounting an exhaust manifold to an engine. This multi-component arrangement includes a sleeve 8, a seating ring 3, a hold-down ring 5, and an end member 10 having a hold down flange 4, all as illustrated in FIGURE 2. Notably, the end member 10 includes a tip portion 12 located between the seating ring 3 and the sleeve 8 (col. 1, lines 65-67). Further, an outer spherical seating surface 11 is formed on the tip portion 12 as illustrated in FIGURE 2. In this way, the tip portion 12 is located between the spherical seating surface 11 and the inside of the end member 10.

The arrangement in Zitza is different from the arrangement claimed in Applicant's Claims 1, 10, and 19. The arrangement illustrated in FIGURE 2 of Zitza has a tip portion 2 between the seating surface 11 and the inside of the end member 10. Besides the tip portion 2, Zitza also discloses a sleeve 8 between the seating surface 11 and the inside of the end member 10. Zitza further discloses an outer surface of the tip portion 12 forming a seal with the seating ring 3.

In contrast to a tip portion 12 being located between the seating surface 11 and the inside of the end member 10 as disclosed in Zitza, the sealing surface recited in Applicant's Claim 1 has "at least a portion ... exposed to an inside of the flange." Claim 10 recites, for example, "a recessed seal surface having at least a portion of the seal surface exposed to an inside of the flange." Claim 19 recites, for example, "at least a portion of the sealing surface being exposed to an inside of the flange." Accordingly, at least this feature is not disclosed in or taught by the applied reference. Therefore, Applicant respectfully submits that the rejection of Claims 1, 10, and 19 over Zitza in view of Coff has been overcome.

Dependent Claims 2-9, 11-18, and 20 depend directly or indirectly from one of Claims 1, 10, 19 and, thus, are patentable for at least the same reasons that support the allowance of the claim from which they depend. Therefore, allowance of Claims 1-20 is respectfully requested.

New Claims 21 and 22

Applicant believes new Claims 21 and 22 are patentable in view of the applied prior art. For example, Claim 21 recites a "flange further comprising bolt holes for directly connecting the flange to the internal combustion engine." Claim 22 recites, for example, "each flange having bolt holes for directly connecting the flanges to the multi-cylinder engine." As discussed above, the multi-component arrangement disclosed in Zitka for mounting the exhaust manifold to the engine includes a separate and unique hold-down ring 5 which abuts the hold down flange 4 of the end member 10. Accordingly, at least the claimed feature is not disclosed in or taught by the applied reference.

Applicant respectfully requests examination of new Claims 21 and 22.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.


Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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